

Jenoway, & Ux. } Appel.
& Dickens & al. }
Thomas Bedford } Respon.
& al. }

T H E
Respondent Thomas Bedford's
C A S E.

THAT *Edmund Arnold* Esquire, by his Will Dated the sixth of *May*, 1675. having given several Legacies, did bequeath the rest and residue of his Money and Personal Estate, after his Debts paid, and Funerals discharged, to and amongst his Kindred, according to their most need; to be distributed amongst them by his Executors, with the assistance of his Cozens *Edward Buncher*, *John Steere*, and *John Buncher* the younger; saving such Legacies as he should by his said Will, or any Codicil or Codicils, further dispose of.

And of his said Will made *Thomas Bedford* Gent. Executor, and afterwards made two Codicils; and shortly after (to wit, on or about the 27th of *March*, 1676.) dyed, leaving no Issue.

That the said Executor having proved the Will, there were in Easter-Term, 1677. two Bills Exhibited in the Court of Chancery against him (one whereof was by *Anne Carr* the Testators Sister, and by about forty others of the nearer Kindred, who descended from the Brothers and Sisters of the Testator, who were his Nephews and Nieces, and Children of Nephews and Nieces. And the other Bill was by remoter Relations (*viz.* *William Jenoway* and *Elizabeth* his Wife, *Robert Dickens*, and a great number of others who were descended from the Testators Uncles and Aunts by his Father and Mothers side) to have a share and distribution of the residue of the said Estate. To each of which Bills the said Executor did put in his Answer, and thereby set forth an Accompt of the Personal Estate: both which Causes were heard on the fifth of *November* 1678; and after a full hearing, the Court Decreed, That the Act of Parliament for better settling Intestates Estates, should be the rule that should be observed for limiting the extent of the word *Kindred*; and that it should extend only to the Testators Sister *Anne Carr* and to her Children, and to the said Testators other Nephews and Nieces then living; and that no Kindred out of the degree of a Brother or Sister to the Testator, or a Child of such Brother or Sister, should come in, or have any share of the said residue. And that amongst those that were to come into the distribution, the said Executor should chiefly consider them who had most need, and should distribute the said residue in such manner and proportions as the said Executor should think fit, by and with the allowance of *Sir Samuel Clerke* Knight, one of the Masters of the said Court, before whom the said Executor was to Accompt for the said Personal Estate; and of what upon the said Accompt the said Master should certify to be remaining in the said Executors hands, he was to retain in his hands 300 *l.* for six years, or so much longer as the said *Anne Carr* the Testators Sister should happen to live, for payment of Ten pound *per Annum*, given her by the said Will for her Life, and better indemnifying the said Executor against Debts. And that the residue of the Money that should be certified remaining in the said Executors hands, with the Securities and Debts owing to the Estate, should forthwith (and also what should be remaining of the aforesaid 300 *l.* all reasonable allowances being first deducted, should after the expiration of the said six years, and the death of the said *Anne Carr*) be distributed and assigned by the said Executor according to the directions aforesaid.

That in pursuance of the said Decree, the said Executor did Accompt before the said Master, who by his Report, bearing date the 20th day of *February*, 1678, did certify, that there did remain in the said Executors hands, the sum of 1471 *l.* 16 *s.* 10 *d.* besides the said Debts and Securities which were to be distributed; and did allow of the proportions to be distributed and assigned to the several persons, as therein were particularly mentioned. Which Report was afterwards (*viz.* upon the 26th day of *February*, 1678) confirmed by the Decree of that Court. And in obedience to the said Decree, the said Mr. *Bedford* the Executor did long since actually pay to the several persons the several proportions, and also assigned the said Debts and Securities, as by the said Report and Decree was directed.

That the said *William Jenoway*, and *Elizabeth* his Wife, *Robert Dickens*, and others of the remoter Relations, (which were out of the degrees limited by the said Decree) have Appealed from the same to the House of Lords, and the design of their Appeal is to be let in to have a share of the said residue.